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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No.: 85-00016, 85-02049, 85-02063,
85-02065, 85-02146, 85-02147, 85-04483,
85-11087, and 85-15424

JOINT STIPULATION TO RESOLVE
OBJECTIONS TO WATER RIGHTS

The United States, the Nez Perce Tribe, and the Lewiston Orchards Irrigation District ("District") do hereby jointly agree and stipulate as to the following elements in the listed subcases.

1. Point of Diversion

The points of diversion for 85-00016 and 85-02049 shall be the locations identified by GPS positioning as identified in field work by Barney Metz and Greg Haller. The point of diversion for water right 85-00016 shall be at GPS coordinates N 46° 16.291' and W 116° 51.145'. The point of diversion for water right 85-02049 shall be at GPS coordinates N 46° 12.751' and W 50.289'. In the event other District claims are decreed, the parties hereto agree that all other points of diversion shall be decreed as recommended.

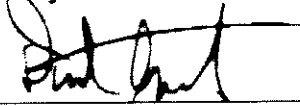
2. Place of Use

POU for 85-02049 shall include T35 R06 S12. In the event other District claims are decreed, all other places of use shall be as recommended.

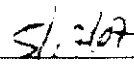
3. Period of Use

In the event the District's storage claims are decreed, the District shall be allowed to store water and to divert water to storage year round. For Claim No. 85-04483, municipal and fire suppression uses of water shall be permitted year round. In the event the District's irrigation claims are decreed, irrigation water use shall only be permitted from March 15 through November 15. Even when weather allows, no diversion for irrigation will be permitted before March 15 or after November 15.

Attorney for the United States:



David W. Gehlert



Date

CERTIFICATE OF MAILING

I certify that on May 15, 2007, a true and correct copy of the **JOINT STIPULATION TO RESOLVE CERTAIN ELEMENTS OF WATER RIGHTS** was served as follows:

via facsimile:

SRBA DISTRICT COURT
(208) 736-2121

K. Heidi Gudgell
David J. Cummings
Ryan W. Sudbury
Nez Perce Tribal Executive Committee
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United States Department of Justice
Environment and Natural Resource Division
(208) 387-0842

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(208) 287-6701

A handwritten signature in black ink, appearing to be "A. K. ...", written over a horizontal line.

Attorneys for the Nez Perce Tribe:



K. Heidi Gudge
David J. Cummings
Ryan W. Sudbury

5/17/07
Date

Attorney for Lewiston Orchards Irrig. Dist.:



Earl L. McGeogh

5/17/07
Date



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FROM: Labat-Anderson, Inc.
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Fax No. 303-844-1350
Voice No. 303-844-1485

SENT BY: David Jarvis, Paralegal

TO:	Dianna Delaney	FAX No.	208-736-2121
	Heidi Gudgeff		208-843-7377
	David Cummings		
	Ryan Sudbury		
	Earl McGeoghegan		208-746-4610
	U.S. Dept. of Justice - Boise		208-387-0842
	IDWR Document Depository		208-287-6701

NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 5

SPECIAL INSTRUCTIONS: Attached for filing is *Joint Stipulation to Resolve Objections to Water Rights* in Subcase Nos. 85-00016, 85-02049, 85-02063, 85-02065, 85-02146, 85-02147, 85-04483, 85-11087, and 85-15424. Eight additional copies will be sent by FedEx mail to satisfy the copy requirements. The parties have also asked me to advise the SRBA Court that they anticipate supplementing this filing prior to the status conference on July 10, 2007.